

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**In Re TRANS UNION CORP.  
PRIVACY LITIGATION**

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**THIS DOCUMENT RELATES TO:**

**ALL CASES**

**Lead Case No. 00 cv 4729  
MDL Docket No. 1350  
Judge Robert Gettleman  
Magistrate Judge Michael T. Mason**

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**TEXAS COUNSEL'S MOTION FOR CLARIFICATION  
REGARDING PAYMENT OF EXPENSES**

Texas Counsel moves for clarification of the Court's order regarding the timing of payment of expenses to Plaintiffs' counsel, and states as follows:

Texas Counsel has just learned that the escrow agent for the Settlement Fund has made distributions from the settlement fund to some, but not all, Plaintiffs' Counsel for reimbursement of expenses. The Court's May 27, 2009 Order (Docket No. 619) awarded expenses of more than \$1 million to be paid to four groups of Plaintiffs' counsel. As for the timing of the payment, the Order stated: "The awarded expenses shall be paid to the above counsel subject to the terms, conditions and obligations of the Stipulation of Settlement approved by the Court on September 17, 2008, and in particular ¶4.2 thereof, which terms, conditions and obligations are incorporated herein."

Paragraph 4.2 of the Stipulation of Settlement states, in relevant part, that attorneys' fees and expenses approved by the Court shall be paid "within 10 days after . . . the Court has entered an Order awarding Attorneys' Fees and Expenses, and that Order has become Final." (Docket No. 462-3, at p. 24). Because this has not yet occurred, Texas Counsel understood that the expenses awarded by the Court were not yet payable. It appears that other counsel had a different

interpretation of the Court's Order and have already sought and obtained payment of these expenses from the settlement fund, which expenses were paid to them by the escrow agent without the knowledge of Texas Counsel.

Wherefore, Texas Counsel respectfully seek clarification from the Court regarding whether the expenses awarded in its May 27, 2009 Order are currently payable.

DATED: October 8, 2009.

Respectfully submitted,

By: /s/ Michael A. Caddell  
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Counsel for Texas Plaintiff, Donald Jowers

**CERTIFICATE OF SERVICE**

Undersigned counsel hereby certifies that on October 8, 2009, a copy of the foregoing has been filed on the Court's ECF system, and thus served on Defendant and all Settlement Class Counsel.

/s/ Cory S. Fein  
Cory S. Fein